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and Fire Protection, et al.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION

- and -

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Affects PG&E Corporation |
| <input type="checkbox"/> | Affects Pacific Gas and
Electric Company |
| <input checked="" type="checkbox"/> | Affects both Debtors |

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11

(Lead Case)

(Jointly Administered)

Date: March 10, 2020
Time: 10:00 a.m.
Ctrm: 17
Judge: Dennis Montali

**CALIFORNIA STATE AGENCIES' LIMITED OBJECTION TO THE OFFICIAL
COMMITTEE OF TORT CLAIMANTS' MOTION TO ESTABLISH PROCEDURES FOR
DISCOVERY PRECEDING PLAN CONFIRMATION [DOCKET NO. 5840]**

1 The California Department of Forestry and Fire Protection, California Department of
2 Toxic Substances Control, California Governor's Office of Emergency Services, California
3 Department of Veterans Affairs, California State University, Chico, California Department of
4 Parks and Recreation, California Department of Transportation, and California Department of
5 Developmental Services (collectively, the "California State Agencies") hereby file their limited
6 objection to *The Official Committee of Tort Claimants' Motion to Establish Procedures for*
7 *Discovery Preceding Plan Confirmation* (the "Motion") [Docket No. 5840] based on the
8 following:

9 1. As the Court is aware, the California State Agencies collectively hold substantial
10 prepetition claims related to the wildfires caused by Pacific Gas and Electric Company.

11 2. It is unclear from the Motion whether the proposed discovery procedure is limited
12 to Vendors, as that term is defined in the Motion. So long as the relief requested in the Motion is
13 limited to discovery as to Vendors as that term is defined in the Motion, the California State
14 Agencies do not object to the Motion.

15 3. However, if the relief requested in the Motion is intended to govern all discovery
16 by the Official Committee of Tort Claimants ("TCC") related to confirmation issues, the
17 California State Agencies object. Discovery related to confirmation issues not specifically related
18 to the Vendors should be governed by Federal Rule of Bankruptcy Procedure 9014, with the
19 parties meeting and conferring over expedited response deadlines where needed. The order on
20 the Motion should state that it does not cover other plan confirmation discovery.

21 4. It also is unclear whether the Motion is intended to apply to the Notice of
22 Subpoena filed by the TCC on February 18, 2020 [Docket No. 5820]. That Notice of Subpoena
23 includes subpoenas to the California State Agencies. To the extent that the Motion is not
24 intended to apply to subpoenas listed in the Notice of Subpoenas, the California State Agencies
25 do not object. The subpoenas issued by the TCC to the California State Agencies on February 18,
26 2020, are defective and objectionable for numerous reasons. The California State Agencies
27 reserve all rights with respect to their objections and responses to the subpoenas and request that
28

1 the Court deny the Motion to the extent it seeks to sweep in the Notice of Subpoena to the
2 California State Agencies.

3 5. Neither this statement nor any subsequent appearance, pleading, proof of claim,
4 claim or suit is intended or shall be deemed or construed as:

5 a. consent by the California State Agencies to the jurisdiction of this Court or
6 any other court with respect to proceedings, if any, commenced in any case against or otherwise
7 involving the California State Agencies;

8 b. waiver of any right of the California State Agencies to (i) have an
9 Article III judge adjudicate in the first instance any case, proceeding, matter or controversy as to
10 which a Bankruptcy Judge may not enter a final order or judgment consistent with Article III of
11 the United States Constitution, (ii) have final orders in non-core matters entered only after de
12 novo review by a District Court Judge, (iii) trial by jury in any proceeding so triable in the
13 Chapter 11 Cases or in any case, controversy, or proceeding related to the Chapter 11 Cases,
14 (iv) have the United States District Court withdraw the reference in any matter subject to
15 mandatory or discretionary withdrawal, or (v) any and all rights, claims, actions, defenses, setoffs,
16 recoupments or remedies to which the California State Agencies are or may be entitled under
17 agreements, in law or in equity, all of which rights, claims, actions, defenses, setoffs and
18 recoupments are expressly reserved hereby; or

19 c. waiver of any objections or defenses that the State of California, the
20 California State Agencies or any other agency, unit or entity of the State of California may have
21 to this Court's jurisdiction over the State of California, the California State Agencies or such
22 other agency, unit or entity based upon the Eleventh Amendment to the United States
23 Constitution or related principles of sovereign immunity or otherwise, all of which objections and

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1 defenses are hereby reserved.

2 Dated: March 3, 2020

Respectfully submitted,

3 XAVIER BECERRA
4 Attorney General of California
5 MARGARITA PADILLA
6 Supervising Deputy Attorney General

By: /s/ Paul J. Pascuzzi

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12 Fire Protection, California Department of Toxic
13 Substances Control, California Governor's Office of
14 Emergency Services, California Department of Veterans
15 Affairs, California State University, California
16 Department of Parks and Recreation, California
17 Department of Transportation and California
18 Department of Developmental Services
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I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 500 Capitol Mall, Suite 2250, Sacramento, CA 95814. On March 3, 2020, I served the within documents:

By Electronic Service only via CM/ECF.

/s/ Karen L. Widder